

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO**  
**BEFORE HONORABLE DANIEL R. DOMINGUEZ**

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**MINUTES OF PROCEEDINGS**

**CIVIL NO. 98-1246 (DRD)**

LAW CLERK: Nathan J. Schulte

DATE: December 21, 1999  
 CLERK'S OFFICE  
 U.S. DISTRICT COURT  
 SAN JUAN, P.R.

ANGEL LUIS CONCEPCION RAMOS, et al.,  
 Plaintiffs,

v.

DR. WALDO SANTIAGO, et al.,  
 Defendants.

Attorney:

Rafael E. **GARCIA RODON**

María J. **MARCHAND**

José A. **GONZALEZ VILLAMIL**

Anselmo **IRIZARRY IRIZARRY**

A SETTLEMENT CONFERENCE was held today. The parties have informed the Court of the status of the case. Plaintiffs and Co-defendant, Dr. Waldo Santiago, have agreed to a settlement. Therefore, the Court **GRANTS** the parties **ten (10) days, that is, until January 4, 2000** to finalize the settlement agreement and file the necessary documents with the Court.

The Defendants have no objection to Plaintiffs' request for leave to file a Third Amended Complaint. (Docket No. 29). Leave is hereby **GRANTED**. Additionally, the Plaintiffs intend to file a Fourth Amended Complaint, to which the Defendants again have no objection. Therefore, the Court **GRANTED** Plaintiffs **twenty (20) days** to tender the Fourth Amended Complaint.

**Deadlines:**

The Court held an Initial Scheduling Conference on May 10, 1999, wherein the Court established the deadlines for identification of experts, compliance with Fed.R.Civ.P. 26, and discovery. (Docket No. 24). Plaintiffs were given sixty (60) days to identify their experts and thirty days thereafter to submit their experts' reports and comply fully with Rule 26. Defendants were granted sixty (60) days, after Plaintiffs identified their experts, to disclose their expert witnesses and thirty (30) days, thereafter to submit their experts' reports and comply with Rule 26.

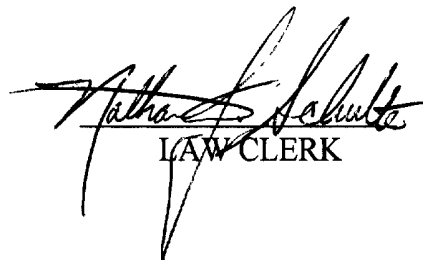
Co-defendant, Aguadilla Medical Services ("AMS"), has not complied with the Court's expert witnesses deadlines. Although its experts' reports were due no later than September 1, 1999, no report has been served on Plaintiffs. In fact, at this conference AMS tendered to Plaintiffs a "Draft" of its medical expert's report. The Court exercises its discretion and does not exclude AMS' experts for noncompliance with the Court's deadlines. See e.g. Serrano-Pérez v. FMC Corp., 985 F.2d 625 (1<sup>st</sup> Cir. 1993) (expert witness obtained beyond deadline excluded from case). However, AMS and all other parties are hereby **FOREWARNED** that the Court will strictly enforce deadlines (that means to the minute), and transgressions will be met with appropriate sanctions.

(33) no

1. Plaintiffs are to provide outstanding medical records - by January 15, 2000.
2. AMS is to provide all experts' reports - by January 31, 2000.
3. Plaintiffs are to depose the Emergence Room Physician and the Surgeon he consulted on February 28 and 29, 2000.
4. Plaintiffs are to provide amended experts' reports excluding Dr. Waldo Santiago and including the EMTALA cause of action - by March 20, 2000.
5. Co-defendant, Hospital San Carlos, Inc., is to provide its experts' reports - by April 20, 2000.
6. The Defendants are to depose Plaintiffs' experts from April 24 to April 29, 2000.
7. Plaintiffs are to depose Defendants' experts from May 9 to May 12, 2000.

A Pretrial/Settlement Conference will be held on **June 15, 2000 at 5:00 p.m.** The parties are to come prepared to settle: either with authority to settle or with a means to very quickly procure consent. The parties are forewarned that the trial for this case will be held in August 2000 either before this Judge or a visiting judge depending on scheduling.

The parties are encouraged to conduct settlement negotiations as soon as practicable. The Court strongly believes that this case can be settled.

  
LAW CLERK

s/c: Counsel of record  
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